

UNITED STATES DISTRICT COURT

for the

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

Southern District of Georgia
Statesboro Division

2008 NOV 12 PM 12:11

United States of America

v.

Heriberto Cosme

Date of Previous Judgment: May 9, 1997

(Use Date of Last Amended Judgment if Applicable)

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Case No: CR696-00007502 DIST. OF GA.USM No: 09328-021

Dwight Jay Stewart

Defendant's Attorney

CLERK

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is **reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34
Criminal History Category: I
Previous Guideline Range: 151 to 188 months

Amended Offense Level: 34
Criminal History Category: I
Amended Guideline Range: 151 to 188 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

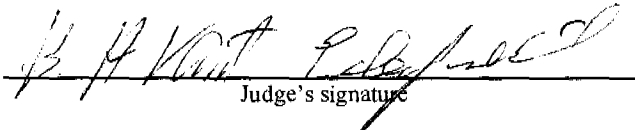
III. ADDITIONAL COMMENTS

The defendant is presently serving a period of incarceration based on the revocation of his term of supervised release. Pursuant to U.S.S.G. § 1B1.10, Application Note 4(A), only a term of imprisonment imposed as part of the original sentence is authorized to be reduced. This section does not authorize a reduction in the term of imprisonment imposed upon revocation of supervised release.

Except as provided above, all provisions of the judgment dated May 9, 1997, shall remain in effect.

IT IS SO ORDERED.

Order Date: Nov. 12, 2008


Judge's signature

Effective Date:

(if different from order date)

B. Avant Edenfield
United States District Judge
For the Southern District of Georgia
Printed name and title